

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

US FOODS, INC.,

Plaintiff,

v.

MICHAEL J. NOBLE, et al.,

Defendants.

Civil Action No. 1:13-cv-03640

**DEFENDANT NOBLE’S ALTERNATIVE JOINDER IN DEFENDANT  
ROSZAK’S MOTION TO TRANSFER TO THE DISTRICT OF ARIZONA  
PURSUANT TO 28 U.S.C. §1404(A) AND FOR OTHER RELIEF**

Defendant Michael J. Noble (“Noble”) has filed a Rule 12(b)(1) motion to dismiss this case for lack of subject matter jurisdiction or, in the alternative and pursuant to 9 U.S.C.A. §3, to stay all further proceedings in the case (“Motion to Dismiss”). He stands by that motion and urges the Court to dismiss this case for lack of subject matter jurisdiction.

Defendant Phillip Roszak has filed a motion to transfer the case to the District of Arizona pursuant to 28 U.S. §1404(a) and for other relief – namely, a partial joinder in Noble’s motion to dismiss for lack of lack of subject matter jurisdiction (“Motion to Transfer”).

Although he stands by his Motion to Dismiss, in the alternative and only if this Court declines to dismiss this case for lack of jurisdiction, Noble hereby joins in Roszak’s Motion to Transfer. As argued in that motion, Arizona is by far the most appropriate and convenient, as

well as the first-filed, forum to litigate the issues US Foods has raised in its limited request for injunctive relief filed in this Court. Indeed, the effect of any injunction entered by this Court will necessarily be in Arizona, where both Noble and Roszak reside and where US Foods claims its confidential information purportedly has been withheld or destroyed.

This case should be dismissed for lack of subject matter jurisdiction for the reasons set forth in Noble's Motion to Dismiss. If the Court declines to dismiss this case for lack of jurisdiction, however, it should transfer the case to the District of Arizona for the reasons set forth in Roszak's Motion to Transfer.

July 16, 2013

Respectfully submitted,

/s/ David N. Farren

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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on July 16, 2013, he caused a true and correct copy of this Motion to be served by electronic mail and US Mail on the following:

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/s David N. Farren